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Paper No. 7

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In re Application of: Richard W. Reece)
Application No. 09/617,913) **DECISION ON PETITION TO MAKE**
Filed: July 17, 2000) **SPECIAL UNDER 37 C.F.R. §1.102**
For: GLOBAL ENCRYPTION SYSTEM)

This is a decision on the petition to make special filed January 14, 2003 under 37 C.F.R. §102(d) to grant the above identified application special status.

The petition is **DENIED**.

Petitioner urges the grant of special status because there has been no action since the filing date.

MPEP §708 explains the order of examination of applications. The portion of this section which is of particular relevance to this request states:

Nonprovisional applications filed in the U.S. Patent and Trademark Office and accepted as complete applications are assigned for examination to the respective examining Technology Centers (TCs) having the classes of inventions to which the applications relate. Nonprovisional applications *shall be taken up for examination by the examiner to whom they have been assigned in the order in which they have been filed* except for those applications in which examination has been advanced pursuant to 37 CFR 1.102. See 37 CFR 1.496 and MPEP § 1893.03 for the order of examination of international applications in the national stage, including taking up out of order certain national stage applications which have been indicated as satisfying the criteria of PCT Article 33(1)-(4) as to novelty, inventive step and industrial applicability. *[Emphasis added]*

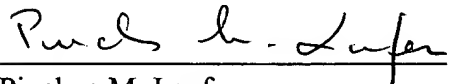
...

Each examiner will give priority to that application in his or her docket, whether amended or new, which has the *oldest effective U.S. filing date*. [Emphasis in original]

Applications filed in late 1999 are currently being examined in this area. This application was filed in July 2000 and therefore does not have priority over those currently being taken up for

examination. Accordingly, the petition is **DENIED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

It is suggested that Applicant review M.P.E.P. §708.02 regarding grounds available for filing a petition to make special. In particular, note M.P.E.P. §708.02(VIII): Accelerated Examination, which does not place limitations on the subject matter of the application.



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